

Greer, C. (2005) 'Sex Crime', in J. Muncie and E. McLaughlin (eds.) *The Sage Dictionary of Criminology*, second edition, London: Sage

Sex Crime

Definition

Sexual acts and behaviours proscribed by the legal statutes of the jurisdiction within which they are enacted.

Distinctive Features

The term 'sex crime', like 'crime' more generally, is neither fixed nor immutable, but constantly changing and highly contested. It refers to an enormous diversity of behaviours, from unsolicited sexual comments in the workplace to serial rape and sex murder. What is defined and labelled sex crime may vary considerably across time and place. For example, many homosexual activities were legalized in the 1960s as a reflection of changing social attitudes, and it was not until 1992 in the UK that a man could be convicted of raping his wife. Meanwhile, a serious sexual offence in one country (e.g. consensual sex between an adult and a 13 year old in the UK), may be legal in another (in Spain the age of consent is 13).

A key concept in defining sex crime is 'consent'. For cases involving adults, the legal process frequently hinges on the prosecution's ability to prove beyond reasonable doubt that consent was absent or given on the basis of force, fear or fraud. When children and young persons are involved, consent ceases to be an issue, since it is widely accepted that a child below the legal age of consent is not capable of making 'competent' decisions about his/her sexual activities. Thus, sex with a child is, in all circumstances, unlawful. Consensual sex acts between adults may also be unlawful. Certain homosexual activities in a public place, for example, though 'victimless', are criminalized because they are deemed to offend against public decency.

Assessing the nature and extent of sex crime is rife with complications, and official statistics are woefully inadequate indicators of actual levels of offending. Due to the highly sensitive nature of sexual victimization, and in England and Wales an adversarial justice system which – despite significant improvements over recent decades – may still involve aggressive cross-examination in an open courtroom, only a fraction of victims report their abuse to the police, and still fewer pursue legal action. Of those offences reported, there is frequently insufficient evidence – particularly forensic evidence – to proceed with the case, leading to significant levels of ‘no-criming’ by the police and many reported incidents going unrecorded. Changing definitions of sex crime further complicate the monitoring of offending rates. The lowering of the age of homosexual consent from 18 to 16 in England, Wales and Scotland in 2000 reduced substantially the total volume of recordable sex offences, while the creation of a new offence in 2003 of meeting a child following sexual grooming constitutes a brand new category of sex crime and, as such, a new source of statistical inflation.

Victim surveys, which generally offer a more accurate if still flawed picture of ‘the crime problem’, have had limited success in uncovering the ‘dark figure’ of sex crime. The national British Crime Survey, for example, excludes estimates of sexual offending from its main sweeps because response rates are so low. In local surveys, by contrast, the proportion of respondents disclosing some form of sexual victimization has exceeded two thirds (Maguire, 2002). Due to these variations and constraints, and others, it is impossible to know how much sex crime there is in any given society at any one time.

Evaluation

Sex crime is, in large part, a problem of men offending against women and children. Due to its highly gendered nature, some of the most important contributions to understanding sexual offending have come from feminists. Indeed, it was only with the growing influence of the women’s movement in the 1970s that the previously

'hidden' problem of violence – including sexual violence – against women and children was recognized as a serious problem demanding sustained political, academic and public attention.

Though feminist perspectives are diverse, a powerful theme has been the conceptualization of sexual violence as the extension of a patriarchal order in which women are systematically subjugated by men to positions of dependency and subordination. Male behaviour towards women, including sexual victimization, has been viewed as existing along a 'continuum', with rape and sexual assault at one end and, for example, limited career opportunities near the other. These behaviours differ only by degree, rather than in kind, and all are seen as serving the same ultimate purpose of controlling women (Kelly, 1988).

Some feminist approaches advocate working with victims – or, as radical feminists prefer, 'survivors' – of sex crime and criminal justice practitioners. Others retain a deep suspicion, particularly of police attitudes, and avoid interacting with official agencies. Some feminists seek to achieve a balance between victims' and offenders' rights, while others see the latter as relatively unimportant. Whatever the differences between approaches, their collective impact has been enormous. Feminism has been central in securing improvements in the treatment of sex crime victims in the criminal justice system, increasing the quality and availability of advice and support, and raising social awareness about the 'normality' of much male (sexual) violence against women and children.

Diverse attempts to explain sex crime have also come from within the medical profession, focusing variously on psychiatric and psychoanalytic theories, biochemical imbalances, and genetic abnormalities. For many, the most promising outcomes, particularly with child abusers, are offered by 'cognitive-behavioural' interventions, which maintain that individuals choose to perpetrate sex crimes, but due to various cognitive distortions may not believe their actions are wrong or may be in denial about the harm caused. The aim is to address these distortions through developing 'avoidance' and 'coping' mechanisms, increasing social competence, and

encouraging empathy with the victim. Evaluations appear to indicate that, while the urge to re-offend cannot be removed, it can be managed (Beckett, 1994).

The assessment and management of 'risk' has become a central theme in dealing with sex offenders in custody and in the community. Risk assessment combines consideration of individual characteristics – such as, offending history – and environmental influences on recidivism – for example, family support – to evaluate the offender's 'dangerousness'. Once assessed, risk management strategies can follow. Risk assessment involves making predictions about future behaviour, and some have challenged the ethics of incarcerating individuals on the basis of what they might do, rather than what they have done. Advocates maintain, however, that increasingly sophisticated assessment tools and the growth in multi-agency partnership working can support informed decision-making about future behaviour, albeit within a range of probabilities (Thomas, 2000). Risk assessment is ongoing, and takes place during trial and sentencing, throughout incarceration (notably in Sex Offender Treatment Programmes) and, crucially, on release back into the community.

The 1990s witnessed the introduction of Sex Offender Registers across Europe and America. Registration – lasting from five years to life in the UK – requires offenders to notify the police of, among other things, any change of address. The aim is to keep track of offenders, manage risk and protect the public. Public confidence in official agencies' ability to achieve these objectives has been shaken by high profile cases of convicted offenders killing post-release. Such cases, though extremely rare, have received enormous levels of media attention which, in turn, has fuelled the ongoing debate around 'public notification' – granting limited public access to information about sex offenders in the community (Matravers, 2003). Supporters stress the right to access information which will enable people to better protect their children and themselves. Critics claim that such access encourages vigilantism and forces sex offenders underground, where, deprived of family support and professional help, the risks of re-offending may increase considerably.

The mass media's insatiable appetite for sex crime has generated both positive and negative outcomes. On the one hand, media attention has helped bring certain forms of offending from the private to the public domain, and in so doing has contributed to reducing the stigma of being a victim. On the other, the selective, sensational and misleading nature of much media coverage perpetuates the myth of 'stranger-danger', when adults and children are most often victimized by someone they know, and reinforces stereotypes of who may legitimately claim victim status (Greer, 2003). The undifferentiated fear and loathing of sex offenders throughout society, actively encouraged in sections of the media, arguably does more to hinder than help the development of measured debate about how best to deal with the problem of sex crime – in all its myriad forms – and reduce the risk of victimization for adults and children alike.

Chris Greer

Associated Concepts: crime; violence; family crime; personal safety; victimization.

Key Readings

Beckett, R. (1994) 'Cognitive-behavioural treatment of sex offenders' in T. Morrison, M. Erooga and R.C. Beckett (eds) *Sexual Offending Against Children: Assessment and Treatment of Male Abusers*, London, Routledge.

Greer, C. (2003) *Sex Crime and the Media: Sex Offending and the Press in a Divided Society*, Cullompton, Willan.

Kelly, L. (1988) *Surviving Sexual Violence*, Cambridge, Polity Press.

Matravers, A. (ed.) (2003) *Sex Offenders in the Community: Managing and Reducing the Risks*, Cullompton, Willan.

Thomas, T. (2000) *Sex Crime: Sex Offending and Society*, Cullompton, Willan.

Maguire, M. (2002) 'Crime statistics: The 'data explosion' and its implications', in Maguire, M., Morgan, R. and Reiner, R. (eds) *The Oxford Handbook of Criminology*, third edition, Oxford, Oxford University Press.

Word Count: 1,511